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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,681	03/29/2004	Berthold Maiwald	41653-202339	1234

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VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

EXAMINER

WALLS, DIONNE A

ART UNIT	PAPER NUMBER
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1731

DATE MAILED: 01/26/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,681

Applicant(s)

MAIWALD ET AL.

Examiner

Dionne A. Walls

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 7 and 10-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8 and 9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 10/810,681.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. Applicant's election with traverse of the written Restriction Requirement in the reply filed on January 6th, 2005 is acknowledged. The traversal is on the ground(s) that Applicant argues, as it relates to the Species restriction, there is NOT two methods which are claimed, i.e. one which requires regulation of adhesive flow, and one which does not. This is not found persuasive. The Examiner was endeavoring to point out that, for examination and restriction purposes, claim 1 (the broadest embodiment) does not require regulation of adhesive flow (but it DOES require that there be two adhesive sources), unlike claim 7. This justifies the species restriction requirement.

The requirement is still deemed proper and is therefore made FINAL.

2. Claims 7, and 10-15 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on January 6th, 2005.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6, and 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Blume (US. Pat. No. 5,501,560).

Blume discloses nearly all that is recited in the claims, since it teaches a method of applying adhesive to selected portions of one side of individual sheets (corresponding to the claimed "web") utilized for mailable documents. First and second adhesive applicators, namely nozzles, are spaced away from the sheet flow path so that the sheet does not contact the applicators. The first adhesive applicators are connected to a first adhesive supply at a first pressure, and the second set of adhesive applicators are connected to a second adhesive supply at a second pressure, the first pressure being greater than the second pressure. Adhesive applicators 35 and 36 apply adhesive, respectively, to one side of the sheet (see col. 3, lines 1-9, 35-38; col. 6, lines 17-18, 34-37; col. 7, lines 22-38; col. 9, lines 51-59; col. 10, lines 54-62, and see Figs. 1 and 12). While Blume may not specifically disclose that its method is for applying adhesive to a web of wrapping material for smoker products, this "intended use" articulation found in the preamble of the claims is not deemed to patentably distinguish the claims from the reference. The method of Blume is certainly capable of being utilized in the application of glue to cigarette wrappers, since the structure that makes up the device for carrying out the process of Blume is practically identical to that which defines the claimed method.

Regarding claims 4-5, it follows that at least one of the adhesives are applied intermittently since either of the nozzles deliver short-line or spot applications which, obviously, would result in/require intermittent delivery. Further, pumps are obvious

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devices in which to regulate the flow of the glue – which is a necessity when delivering the material in the disclosed manner.

Regarding claim 6, while Blume may not state that any additive is added to the adhesive, it follows that one having ordinary skill in the art would have opted to provide/add an additive, such as a surfactant, to maintain the desirable properties of the flowable adhesives while being retained in their respective reservoirs.


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dionne A. Walls whose telephone number is (571) 272-1195. The examiner can normally be reached on Mon-Fri, 7AM - 4:30PM (Every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steven P. Griffin can be reached on (571) 272-1189. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Dionne A. Walls
Primary Examiner
Art Unit 1731

January 24, 2005